

1  
2  
3  
4  
5 IN THE UNITED STATES DISTRICT COURT  
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
7

8 IN RE: TFT-LCD (FLAT PANEL) ANTITRUST  
9 LITIGATION

No. M 07-1827 SI  
MDL. No. 1827

10 This Order Relates to:

Case Nos.: C 11-3763 SI; C 11-2495 SI; C 11-2225 SI; C 11-4119 SI; C 11-2591 SI

11 *Interbond Corporation of America v. AU*  
12 *Optronics Corporation, et al.*, C 11-3763 SI

13 *Jaco Electronics, Inc. v. AU Optronics*  
14 *Corporation, et al.*, C 11-2495 SI

15 *Office Depot, Inc. v. AU Optronics Corporation,*  
16 *et al.*, C 11-2225 SI

17 *P.C. Richard & Son Long Island Corporation, et*  
18 *al. v. AU Optronics Corporation, et al.*,  
19 C 11-4119 SI

20 *T-Mobile U.S.A., Inc. v. AU Optronics*  
21 *Corporation, et al.*, C 11-2591 SI

**ORDER GRANTING PLAINTIFFS'  
MOTION TO DISMISS LG DISPLAY  
AMERICA, INC. AND LG DISPLAY CO.,  
LTD'S COUNTERCLAIMS AND STRIKE  
THEIR DEFENSES RE DUPLICATIVE  
RECOVERY**

22 Now before the Court is a motion by various direct action plaintiffs to dismiss the counterclaims  
23 of defendants LG Display America, Inc. and LG Display Co., Ltd. (collectively, "LG") and to strike  
24 LG's defenses concerning duplicative recovery. Pursuant to Civil Local Rule 7-1(b), the Court found  
25 this matter suitable for disposition without oral argument. Having considered the parties' papers, and  
26 for good cause appearing, the Court hereby GRANTS plaintiffs' motion.

27 Plaintiffs seek to dismiss the counterclaims that LG has asserted to avoid so-called "duplicative  
28 recovery" and to strike LG's defenses regarding the same. Motion at 1. In response, LG raises  
arguments very similar to those made in Defendants' Motion Regarding Trial Structure and For Relief  
to Avoid Duplicative Damages, Master Docket No. 5258, and LG's Motion for Leave to Amend, Master

1 Docket No. 5795. As the Court has held twice before, LG has not provided a legal basis for its  
2 “violation of laws of duplicative recovery” defense or for its related counterclaims. *See* Order  
3 Regarding Trial Structure, Master Docket No. 5518 (April 20, 2012); Order Denying LG Display  
4 America, Inc. and LG Display Co., Ltd.’s Motion for Leave to Amend, Master Docket No. 5795 (May  
5 25, 2012); *see also In re Flash Memory Antitrust Litig.*, 643 F. Supp. 2d 1143, 1156 (N.D. Cal. 2009)  
6 (“Duplicative recovery is, in many if not all cases alleging a nationwide conspiracy with both direct and  
7 indirect purchaser classes, a necessary consequence that flows from indirect purchaser recovery.”)  
8 (quoting *In re Dynamic Random Access Memory (DRAM) Antitrust Litig.*, 516 F. Supp. 2d 1072, 1089  
9 (N.D. Cal. 2007)). The Court finds no reason to depart from its previous rulings.

10 Accordingly, the Court GRANTS plaintiffs’ motion. Master Docket No. 6227; Docket No. 124  
11 in C 11-3763 SI; Docket No. 137 in C 11-2495 SI; Docket No. 149 in C 11-2225 SI; Docket No. 137  
12 in C 11-4119 SI; and Docket No. 139 in C 11-2591 SI.

13  
14 **IT IS SO ORDERED.**

15  
16 Dated: September 22, 2012



17 SUSAN ILLSTON  
18 United States District Judge  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28